STATE OF NEW HAMPSHIRE

PROBATE COURT

PROCEDURE BULLETIN 24

RELATIVE TO: Readoption under 170-B:27

This procedure bulletin is prepared for informational purposes in processing case files. It is not intended to provide parties with legal advice.

Current law specifies that "the court may validate and issue an adoption decree for an adoption finalized in another jurisdiction, provided that evidence satisfactory to the court is produced to demonstrate the validity of such adoption." The probate courts have traditionally handled such international adoptions using a procedure similar to other adoptions filed in the probate courts. This new procedure will simplify the process overall.

The following procedure shall be used in processing international adoptions covered by RSA 170-B:27and Probate Court Rule 91:

1. The petitioner must file a petition for validation of adoption finalized in a foreign country (Form NHJB-2191-P), along with one of the documents indicated on the petition to validate the adoption completed in another country. In each case, a certified or attested copy should be accepted where a United States notary has signed, dated and stamped a copy of the document and declared it to be a true copy of the original.

The options are as follows:

- a. An attested or certified copy of the adoptee's certificate of citizenship issued by the U.S. Citizenship and Immigration Services,
- An attested or certified copy of the adoptee's alien registration card indicating IR-3 status; (may apply if the child entered the country prior to January 22, 2004),
- c. An attested or certified copy of the adoptee's passport issued in his/her country of birth, with the U.S. Visa stamp affixed indicating IR-3 status, or,
- d. An attested or certified copy of the adoptee's certificate of adoption indicating a full and final adoption from his or her country of birth with a U.S. Visa stamp affixed indicating IR-4 status.

- 2. The petitioner will indicate on the petition whether or not they would like to have a hearing on the validation. A hearing is not required to complete the validation, but some may prefer it for ceremonial purposes or other reasons.
- 3. The petitioner must also file an original copy of the "Confidential Report of City and Town Clerk Relative to an Adoption" (Vital Records form VS-37) along with the petition. This form is required for the Vital Records to issue a new birth certificate and for the reporting requirement as specified in RSA 170-B:22. (see step 5)
 - 4. Once the judge has granted the petition, either as a "routine matter" or at the hearing, two certificates of adoption should be issued to the adoptive parents and the case closed. One of the certificates of adoption should then be used by the adoptive parents to obtain a New Hampshire birth certificate as specified in RSA ch. 5-C (see step 6 below). The adoptive parents should be advised to keep the remaining certificate of adoption for their records. The Court should keep a photocopy of the certificate of adoption and docket it accordingly.
 - 5. International adoptions should be reported as required in 170-B:22.
 - 6. Staff shall advise parties involved in an international adoption that in order for their child to obtain certain official government documents such as a U.S. passport or a driver license, they will need an amended birth certificate from Vital Records. Furthermore, staff shall advise these parties that in order to obtain an amended birth certificate, Vital Records will require them to complete a form (currently known as a form VS-37 FB), pay a fee and provide a certificate of adoption as referenced in step 4 above.

| Last Reviewed: August 1, 2007 | /s/ David D. King |
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| | David D. King |
| | Administrative Judge of Probate Court |

History: Revised August 1, 2007 Revised November 1, 2005 Effective January 30, 2004

^{*} Note that there is, for all practical purposes, no difference between a certified copy and an attested copy. The distinction, which predated the common use of photocopy machines, was based on the use of extraneous forms that, by today's standards, serve no function. Vital Records will accept either a certified or attested copy despite the language on the VS-37FB requiring a certified copy.